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EXAMINER	
NGUYEN, T	
ART UNIT	PAPER NUMBER
3308	

DATE MAILED: 01/27/98

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/845,657

Applicant(s)

JANG

Examiner

Tram Nguyen

Group Art Unit

3308



☒ Responsive to communication(s) filed on Apr 25, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-86 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5, 7-18, 21, 24-30, 39-45, 48-50, 52-58, 60-62, 64, 66-73, 76, and 79 are rejected.

☒ Claim(s) 4, 6, 19, 20, 22, 23, 31-38, 46, 47, 51, 59, 63, 65, 74, 75, 77, 78, and 80-86 are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. The disclosure is objected to because of the following informalities:
 - (a) On page 1, lines 5-16 contain blank spaces which need to be filled in with the appropriate information. In line 27, replace "alterative" with -- alternative --.
 - (b) On page 4, line 10, replace "axio-lateral" with -- axio-laterally --.
 - (c) On page 16, line 19, after "way" insert -- to --.
 - (d) On page 17, line 11, replace "Reenforcement" with -- reenforcement --.

Appropriate correction is required.

Claim Objections

3. Claims 3-6 are objected to because of the following informalities:
 - (a) Regarding claims 3-6, applicant should delete the "column" from "first expansion column strut pair" and "second column expansion strut pair", to keep claim terminology consistent with claim 1 upon which these claims depend. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 7-18, 21, 24-30, 39-45, 48-50, 52-58, 60-62, 64, 66-73, 76 and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinchasik et al. (EP 079 067 A2), for the following reasons:

(a) With respect to claims 1, 5, 16, 18, 24-29, 39, 40, 44, 45, 48, 50, 52-56, 58, 66, 71, 72, and 76, see refer to the modified Figure 2 attached to this office action, wherein:

20A represents the first expansion column;

20B represents the second expansion column;

20C represents the third expansion column;

30A represents the first connecting strut column; and

30B represents the second connecting strut column.

(b) With respect to claims 7-12, in so far as applicant has not recited any particular radius of curvature or slant angle, please refer to the modified Figure 2 attached to this office action.

(c) With respect to claims 17 and 57, please refer to the modified Figure 2 attached to this office action, wherein $m = 2$.

- (d) With respect to claims 21 and 64, please refer to the modified Figure 2 attached to this office action, wherein the far left edge defines the first reinforcement column, and the far right edge defines the second reinforcement column.
- (e) With respect to claims 30 and 70, please refer to the modified Figure 2 attached to this office action, wherein at least a portion within the configurations are symmetrical.
- (f) With respect to claims 2, 41-43, 49, 60-62, 67-69, and 73, please refer to Figure 2A of Pinchasik et al.
- (g) With respect to claim 79, in so far as this stent formed from etched sheet metal which expands when pressure is internally applied (col. 1, lines 5-8 and col. 2, lines 25-33), it is inherent that the stent is configured to be positioned at an exterior of an expandable balloon.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinchasik et al. '067 in view of Lam et al. (EP 0 679 372 A2), for the following reasons:

With respect to claims 13-15, Pinchasik et al. discloses the invention substantially as claimed (please refer to the modified Figure 2 attached to this office action). However, Pinchasik et al. fails to disclose that at least the ends of the stent include an electroplated material for use as

a radiopaque marker. Lam et al. teaches plating the ends of an expandable stent with gold for use as a radiopaque marker (col. 2, lines 13-58 and col. 3, lines 1-15) so that the location, length, and diameter of the stent can be determined under fluoroscopy. It would have been obvious to one of ordinary skill in the art at the time of the invention to have goldplated the ends of the expandable stent of Pinchasik et al., as taught by Lam et al., so that the location, length, and diameter of the stent can be determined under fluoroscopy.

Allowable Subject Matter

8. Claims 4, 6, 19, 20, 22, 23, 31-38, 46, 47, 51, 59, 63, 65, 74, 75, 77, 78, and 80-86 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fischell et al. (U.S. Patent No. 5,697,971), Fischell et al. (U.S. Patent No. 5,695,516), Klein (U.S. Patent No. 5,593,442), Orth et al. (U.S. Patent No. 5,591,197), and Miksza (EP 606 165 A1) all show various features of the claimed invention.

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Any inquiry concerning this communication or earlier communications regarding this application should be directed to Tram Nguyen at (703) 308-0804/(703)305-3590 (FAX). If you are unable to reach me, please contact my supervisor, John Weiss, at (703) 308-2702. In a case requiring immediate assistance, please call (703) 308-0858 to reach the main operator.

Tan
TAN
January 20, 1998

Michael J. Milano
MICHAEL J. MILANO
PRIMARY EXAMINER
ART UNIT 3308